

REMARKS

After entry of this amendment, claims 25, 30-36, 39-42, 50, 52, 55, 57 and 58 are pending. Claim 57 is allowed. Claims 1-24, 26-29, 37-38, 43-49, 51, 53-54 and 56 have been cancelled.

MPEP § 1206 provides that, pursuant to 37 CFR §41.33, amendments filed after the date of filing an appeal pursuant to § 41.31 (a)(1) through (a)(3) and prior to the date a brief is filed pursuant to § 41.37 may be admitted for reasons including:

- 1) to cancel claims or comply with any requirement of form expressly set forth in a previous Office action; and
- 2) to present rejected claims in better form for consideration on appeal.

In response to the Examiner's rejection of claim 25 under 35 USC §112, second paragraph, Claim 25 has been amended to clarify that the claim encompasses a composition for "diagnosing infection with *Neisseria meningitidis* or *Neisseria gonorrhoeae*". Applicants submit that this amendment presents claim 25 in better form for appeal as it relates to a minor §112 second paragraph rejection and reduces the issues for consideration on appeal. This amendment to the preamble of claim 25 is supported, e.g., in the abstract; at page 5, lines 17-20; and at page 8, lines 15-18. No new matter is added by entry of these amendments.

The Director is hereby authorized to charge any deficiency in any fees due with the filing of this paper or credit any overpayment in any fees to our Deposit Account Number 08-3040.

Respectfully submitted,

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Dated: March 30, 2010

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